

United States Court of Appeals

For the Eighth Circuit
St. Louis, Missouri, 63102

EDWARD F. PLASTINO and)	
SECOND AMENDMENT FOUNDATION, INC.,)	Appeal from the United
)	States District Court for
Appellants,)	the Eastern District of
)	Missouri, Eastern
v.)	Division
)	
CHRIS KOSTER, in his Official Capacity as)	Case No. 4:12-CV-1316
Attorney General of the State of Missouri; and)	
TOM NEER, in his Official Capacity as)	Charles A. Shaw, District
Sheriff of St. Charles County, Missouri,)	Judge
)	
Appellees.)	
)	

F.R.APP.P. 26.1(b) MOTION FOR EXTENSION OF TIME TO FILE BRIEF

Plaintiffs-Appellants, EDWARD F. PLASTINO and SECOND AMENDMENT FOUNDATION, INC. (hereinafter “Appellants”), pursuant to F.R.App.P. 26.1(b), move this Honorable Court to grant them an extension until August 14, 2013 to file their opening Brief. In support thereof, Appellants state the following:

1. Appellants’ opening Brief is currently due on June 10, 2013.
2. The issue in this case is the State of Missouri’s prohibition on otherwise qualified non-U.S. citizens who legally reside in Missouri from obtaining a concealed carry permit, pursuant to Revised Statutes of Missouri § 571.101.2(1). Specifically, PLASTINO is a permanent resident alien and SECOND AMENDMENT FOUNDATION is suing on behalf of its members in Missouri who are likewise permanent resident aliens.

3. Appellants filed this appeal following the denial of their Motion for a Preliminary Injunction, pursuant to 28 U.S.C. § 1292(a)(1).

4. Recently, Appellants learned of Missouri Senate Bill 75 (hereinafter “SB 75”), which was approved by the Missouri Legislature and is now awaiting the Governor’s signature. A copy of SB 75 is attached hereto.

5. SB 75 specifically amends the challenged statute to allow otherwise-qualified permanent resident aliens to obtain a concealed carry permit (*See* p.15 of SB 75). If SB 75 goes into law, it will give Appellants the relief they are seeking through this lawsuit.

6. Reportedly, the Governor has until July 14, 2013 to sign SB 75, which would then go into effect on August 28, 2013.

7. Appellants therefore request a period of 30 days following July 14, 2013 (or until August 14, 2013) to file their opening Brief, so that Appellants have time to prepare the Brief should the Governor not sign SB 75 by the reported deadline of July 14, 2013.

8. Counsel for Appellants has spoken with Counsel for Appellees, who consent to this Motion, and to an extension of time, for the above-stated reasons.

9. This is Defendants-Appellees’ first request for an extension of time. The undersigned regrets any inconvenience that this request may cause this Court or counsel. This request is made in good faith and not for the purpose of delay, and because it will conserve the Court’s and counsel’s time and resources to see if SB 75 becomes law before fully litigating this appeal.

10. Appellant's Counsel, by signature below, swears to the factual matter contained herein as an Affidavit.

Dated: June 5, 2013

Respectfully submitted,

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By: /s/ David G. Sigale
David G. Sigale

One of the Attorneys for Appellants

**CERTIFICATES OF SERVICE
FOR DOCUMENTS FILED USING CM/ECF**

Certificate of Service When All Case Participants Are CM/ECF Participants

I hereby certify that on June 5, 2013, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

s/ David G. Sigale